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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,553	06/07/2001	Katsushi Suzuki	1232-4721	7778
27123	7590	05/13/2004	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 345 PARK AVENUE NEW YORK, NY 10154			PHILIPPE, GIMS S	
			ART UNIT	PAPER NUMBER
			2613	
DATE MAILED: 05/13/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/876,553

**Applicant(s)**

SUZUKI ET AL.

**Examiner**

Gims S Philippe

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### **DETAILED ACTION**

This is a first office action in response to application no. 09/876,553 filed on June 7<sup>th</sup> 2001 in which claims 1-28 are presented for examination.

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Lipton (US Patent no. 4562463).

Regarding claims 1, 8, 15 and 22, Lipton discloses a system, method, and apparatus comprising a detection unit for detection whether or not a stereoscopic compatible optical unit for stereoscopically sensing an optical is mounted (See Lipton col. 11, lines 3-7), a signal processing unit for performing signal processing on an image, sensed by an image sensing device, by employing a first signal processing method or a second signal processing method compatible to stereoscopic image sensing, which is different from the first signal processing method (See Lipton col. 14, lines 18-35), and control unit for switching from the first signal processing method to the second signal processing

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method for the signal processing unit when the detection unit detects that the stereoscopic compatible optical unit is mounted (See Lipton col. 11, lines 8-30).

As per claims 2, 9, 16, and 23, Lipton further discloses an image sensing apparatus wherein the stereoscopic compatible optical unit comprises left and right optical lenses for alternately inputting left and right optical images field by field to the image sensing device (See Lipton col. 13, lines 9-18).

As per claims 3, 10, 17, and 24, most of the limitations of these claims have been noted in the above rejection of claim 2. In addition, Lipton further discloses a signal processing unit performs signal processing based on image obtained in every other field (See Lipton col. 16, lines 16-38).

As per claims 4, 11, 18, and 25, most of the limitations of these claims have been noted in the above rejection of claim 1. In addition, Lipton further discloses performing signal processing separately for the image on the left and the image on the right (See Lipton col. 16, lines 1-15).

As per claims 5, 12, 19, and 26, Lipton further discloses performing signal processing based on temporally adjacent image (See Lipton col. 1, lines 20-28).

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As per claim 6, 13, 20, and 27, Lipton further discloses compressing on the image (See Lipton col. 4, lines 17-25).

As per claims 7, 14, 21, and 28, Lipton further discloses performing noise reduction on the image (See Lipton col. 4, lines 35-38).

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lipton et al. (US Patent no. 5142357) teaches stereoscopic video camera with image sensors having variable effective position.

Udagawa et al. (US Patent no. 6195125) teaches pixel shifting image sensor with a different number of image sensed in each mode.

Chaleki et al. (US Patent no. 5751341) teaches stereoscopic endoscope system.


Hieda et al. (US Patent no. 6011583) teaches image sensing apparatus using a non-interlace or progressive scanning type sensing device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S Philippe whose telephone number is (703) 305-1107. The examiner can normally be reached on M-F (9:30-7:00) Second Monday Off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S Kelley can be reached on (703) 305-4780. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gims S Philippe  
Primary Examiner  
Art Unit 2613

GSP

May 11, 2004